



10805361 - GAI  
*[Signature]*

PATENT  
Customer No. 22,852  
Attorney Docket No. 04329.3285

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Yoshitada HIMENO et al. ) Group Art Unit: 2171  
Application No.: 10/805,361 ) Examiner: Unknown  
Filed: March 22, 2004 )  
For: ELECTRONIC MERCHANTISE DISTRIBUTION ) Confirmation No.: 9473  
APPARATUS, ELECTRONIC MERCHANTISE )  
RECEIVING TERMINAL, AND ELECTRONIC )  
MERCHANTISE DISTRIBUTION METHOD )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO/SB/08 form. To the knowledge of the undersigned, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits in the above-referenced application.

Applicants attach copies of the listed documents. Applicants respectfully request that the Examiner consider the listed documents and indicate their consideration by making appropriate notations on the attached form.

In lieu of a statement of relevance or translation of the listed non-English documents, an English language version of a Notification of Reasons for Rejection ("Notification") mailed on September 26, 2006, from the Japanese Patent Office in a

corresponding Japanese Patent Application citing the listed documents and setting forth the relevance thereof is attached. Applicants do not necessarily endorse the conclusions set forth in the Notification.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies any or all the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

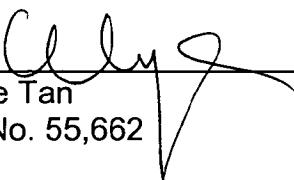
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 31, 2006

By:   
Wenye Tan  
Reg. No. 55,662

OCT 31 2006

US Form PTO/SB/08: Substitute for form 1449A/PTO

## Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT			
(Use as many sheets as necessary)			
Sheet	1	of	1
Application Number 10/805,361			
Filing Date March 22, 2004			
First Named Inventor Yoshitada HIMENO			
Art Unit 2171			
Examiner Name Unknown			
Attorney Docket Number 04329.3285			

## U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/RSS/		JP-2003-78563	03-14-2003			
/RSS/		JP-2003-30087	01-31-2003			
/RSS/		JP-2003-99354	04-04-2003			

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		SUMIO MIYAZAKI et al. "Stream Transmission Control Application Programming Interface," Technical Report of IEICE, March 2, 2001.	
/RSS/		Notification of Reasons for Rejection mailed on September 26, 2006, from Japanese Patent Office in Japanese Patent Application No. 2003-171334.	Yes

Examiner Signature	/Ryan Stronczer/	Date Considered	02/20/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.